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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

KELLY CAHILL, SARA JOHNSTON,
LINDSAY ELIZABETH, and HEATHER
HENDER, individually and on behalf of others
similarly situated,

Plaintiffs,

v.

NIKE, INC., an Oregon Corporation,

Defendant.

Case No.: 3:18-cv-01477-JR

DECLARATION OF FELICIA A. DAVIS
IN SUPPORT OF DEFENDANT NIKE,
INC.'S OPPOSITION TO PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION

[REDACTED VERSION]

DECLARATION OF FELICIA A. DAVIS

I, Felicia A. Davis, declare and state as follows:

1. I am an attorney duly licensed to practice law in the State of California, and am admitted *pro hac vice* to the District Court of Oregon. I am a partner at the law firm of Paul Hastings LLP, counsel of record for Nike, Inc. in the above-captioned lawsuit. I have personal knowledge of the facts contained herein, or know of such facts by my review of the files maintained by Paul Hastings LLP in the normal course of its business, and if called upon to do so, could and would competently testify thereto.

2. I submit this Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

Putative Class Member Declarations:

3. Attached hereto as **Exhibit 1** is a true and correct copy of Putative Class Member Heather Amann's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

4. Attached hereto as **Exhibit 2** is a true and correct copy of Putative Class Member Maggie Baird's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Putative Class Member Jess Bond's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

6. Attached hereto as **Exhibit 4** is a true and correct copy of Putative Class Member Rebecca Edington's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

7. Attached hereto as **Exhibit 5** is a true and correct copy of Putative Class Member Renee Hackenmiller-Paradis' signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

8. Attached hereto as **Exhibit 6** is a true and correct copy of Putative Class Member Julia Hansen's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

9. Attached hereto as **Exhibit 7** is a true and correct copy of Putative Class Member Michelle Harris' signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

10. Attached hereto as **Exhibit 8** is a true and correct copy of Putative Class Member Cheryl Hunter's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

11. Attached hereto as **Exhibit 9** is a true and correct copy of Putative Class Member Chelsea Leenhouts' signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

12. Attached hereto as **Exhibit 10** is a true and correct copy of Putative Class Member Alyssa Levison's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

13. Attached hereto as **Exhibit 11** is a true and correct copy of Putative Class Member Adrienne Lore's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

14. Attached hereto as **Exhibit 12** is a true and correct copy of Putative Class Member Kimberly Louder's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

15. Attached hereto as **Exhibit 13** is a true and correct copy of Putative Class Member Kimberly Mack's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

16. Attached hereto as **Exhibit 14** is a true and correct copy of Putative Class Member Allison Nopper's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

17. Attached hereto as **Exhibit 15** is a true and correct copy of Putative Class Member Akari Oda's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

18. Attached hereto as **Exhibit 16** is a true and correct copy of Putative Class Member Kaitlyn Peale's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

19. Attached hereto as **Exhibit 17** is a true and correct copy of Putative Class Member Cynthia Peele's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

20. Attached hereto as **Exhibit 18** is a true and correct copy of Putative Class Member Kelly Ratchuk's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

21. Attached hereto as **Exhibit 19** is a true and correct copy of Putative Class Member Taya Saxton's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

22. Attached hereto as **Exhibit 20** is a true and correct copy of Putative Class Member Shannon Slaughter-Beveridge's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

23. Attached hereto as **Exhibit 21** is a true and correct copy of Putative Class Member Jessica Spencer's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

24. Attached hereto as **Exhibit 22** is a true and correct copy of Putative Class Member Diana Stallard's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

25. Attached hereto as **Exhibit 23** is a true and correct copy of Putative Class Member Jessica Thornton's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

26. Attached hereto as **Exhibit 24** is a true and correct copy of Putative Class Member Ronni Worboys' signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

Nike, Inc. Recruiter Declarations:

27. Attached hereto as **Exhibit 25** is a true and correct copy of Nike, Inc. Recruiter Matthew Bowman's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

28. Attached hereto as **Exhibit 26** is a true and correct copy of Nike, Inc. Recruiter Marc Caputo's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

29. Attached hereto as **Exhibit 27** is a true and correct copy of Nike, Inc. Recruiter Ally Collins' signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

30. Attached hereto as **Exhibit 28** is a true and correct copy of Nike, Inc. Recruiter Andrew Croll's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

31. Attached hereto as **Exhibit 29** is a true and correct copy of Nike, Inc. Recruiter Amber Dockter's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

32. Attached hereto as **Exhibit 30** is a true and correct copy of Nike, Inc. Recruiter Sarah Fagan's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

33. Attached hereto as **Exhibit 31** is a true and correct copy of Nike, Inc. Recruiter Pamela Flores-Sandoval's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

34. Attached hereto as **Exhibit 32** is a true and correct copy of Nike, Inc. Recruiter Chris Hopkins' signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

35. Attached hereto as **Exhibit 33** is a true and correct copy of Nike, Inc. Recruiter Kim Lozito's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

36. Attached hereto as **Exhibit 34** is a true and correct copy of Nike, Inc. Recruiter Katelyn Mangan's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

37. Attached hereto as **Exhibit 35** is a true and correct copy of Nike, Inc. Recruiter Lorise Morton's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

38. Attached hereto as **Exhibit 36** is a true and correct copy of Nike, Inc. Recruiter Ryan Owen's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

39. Attached hereto as **Exhibit 37** is a true and correct copy of Nike, Inc. Recruiter Nichole Scire's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

40. Attached hereto as **Exhibit 38** is a true and correct copy of Nike, Inc. Recruiter Connor Snashall's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

41. Attached hereto as **Exhibit 39** is a true and correct copy of Nike, Inc. Recruiter Grace Yoon's signed Declaration in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

Other Declarations:

42. Attached hereto as **Exhibit 40** is a true and correct copy of the Declaration of Mo Matheson in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

43. Attached hereto as **Exhibit 41** is a true and correct copy of the Declaration of Jessica Stuckey in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification. Defendant Nike, Inc. previously produced this declaration to Plaintiff as part of expert disclosure.

44. Attached hereto as **Exhibit 42** is a true and correct copy of the Declaration of Shine Thomas in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

45. Attached hereto as **Exhibit 43** is a true and correct copy of the Declaration of Shane Walker in Support of Defendant Nike, Inc.'s Opposition to Plaintiff's Motion for Class Certification.

Deposition Transcript Excerpts:

46. Attached hereto as **Exhibit 44** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Lauren Anderson, taken on January 21 and February 5, 2021.

47. Attached hereto as **Exhibit 45** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Paige Azavedo, taken on January 29, 2021.

48. Attached hereto as **Exhibit 46** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Christina Baumel, taken on January 26, 2021.

49. Attached hereto as **Exhibit 47** are true and correct copies of relevant excerpts and exhibits from the Deposition of Plaintiff Kelly Cahill, taken on November 18, 2020.

50. Attached hereto as **Exhibit 48** are true and correct copies of relevant excerpts and exhibits from the Deposition of Alison Daugherty, taken on January 8, 2021.

51. Attached hereto as **Exhibit 49** are true and correct copies of relevant excerpts and exhibits from the Deposition of Plaintiff Lindsay Elizabeth, taken on January 11, 2021.

52. Attached hereto as **Exhibit 50** are true and correct copies of relevant excerpts and exhibits from the Deposition of Treasure Heinle, taken on March 16, 2021.

53. Attached hereto as **Exhibit 51** are true and correct copies of relevant excerpts and exhibits from the Deposition of Plaintiff Heather Hender, taken on January 14, 2021.

54. Attached hereto as **Exhibit 52** are true and correct copies of relevant excerpts and exhibits from the Deposition of Plaintiff Sara Johnston, taken on November 24, 2020.

55. Attached hereto as **Exhibit 53** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Cindy Lea Linebaugh, taken on December 21, 2020.

56. Attached hereto as **Exhibit 54** are true and correct copies of relevant excerpts and exhibits from the Deposition of Kathleen K. Lundquist, Ph.D., taken on September 10, 2021.

57. Attached hereto as **Exhibit 55** are true and correct copies of relevant excerpts and exhibits from the Deposition of Monique Matheson, taken on February 22, 2021.

58. Attached hereto as **Exhibit 56** are true and correct copies of relevant excerpts and exhibits from the Deposition of Julian Miller, taken on June 3, 2021.

59. Attached hereto as **Exhibit 57** are true and correct copies of relevant excerpts and exhibits from the Deposition of David Neumark, Ph.D., taken on August 31, 2021.

60. Attached hereto as **Exhibit 58** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Donna Olson, taken on December 11 and December 22, 2020.

61. Attached hereto as **Exhibit 59** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Samantha Phillips, taken on December 1, 2020.

62. Attached hereto as **Exhibit 60** are true and correct copies of relevant excerpts and exhibits from the Deposition of Jessica Elizabeth Stuckey, taken on May 14, 2021.

63. Attached hereto as **Exhibit 61** are true and correct copies of relevant excerpts and exhibits from the Deposition of Shine Thomas, taken on March 26, 2021.

64. Attached hereto as **Exhibit 62** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Emily Tucker, taken on January 22, 2021.

65. Attached hereto as **Exhibit 63** are true and correct copies of relevant excerpts and exhibits from the Deposition of Shane Walker, taken on December 17, December 18, and December 21, 2020.

66. Attached hereto as **Exhibit 64** are true and correct copies of relevant excerpts and exhibits from the Deposition of Opt-in Plaintiff Jessica L. Westerhof, taken on April 21, 2021.

67. Attached hereto as **Exhibit 65** are true and correct copies of relevant excerpts and exhibits from the Deposition of Shelli White, taken on January 29, 2021.

Deposition Exhibits and Other Productions:

68. Attached hereto as **Exhibit 66** is a true and correct copy of email from Opt-in Lauren Anderson to Geralyn Coopersmith on January 25, 2016, Bates numbered NIKE_00030026-27, also produced as Exhibit 193 in the Deposition of Opt-in Plaintiff Lauren Anderson.

69. Attached hereto as **Exhibit 67** is a true and correct copy of Case Details, Nike-18-03-0071, Bates numbered NIKE_00023458-60, also produced as Exhibit 206 in the Deposition of Opt-in Plaintiff Lauren Anderson.

70. Attached hereto as **Exhibit 68** is a true and correct copy of email from Jennifer Nunez to Lauren Anderson and Myra Villamor on Thursday, April 5, 2018, Bates numbered PLF_020860-62, also produced as Exhibit 207 in the Deposition of Opt-in Plaintiff Lauren Anderson.

71. Attached hereto as **Exhibit 69** is a true and correct copy of email from Lauren Anderson to Jennifer Nunez on Monday, August 6, 2018, Bates numbered PLF_00006252, also produced as Exhibit 208 in the Deposition of Opt-in Plaintiff Lauren Anderson.

72. Attached hereto as **Exhibit 70** is a true and correct copy of Opt-in Plaintiff Samantha Phillips' Job Application Information for Director, Information Risk Management-CIS (00218215), Bates numbered NIKE_00013195-205, also produced as Exhibit 53 in the Deposition of Opt-in Plaintiff Samantha Phillips.

73. Attached hereto as **Exhibit 71** is a true and correct copy of Total Rewards Fundamentals, Managing Pay At Nike, Exhibit 500 in the Deposition of Shane Walker, also produced in native form at Bates numbered NIKE_00003191.

74. Attached hereto as **Exhibit 72** is a true and correct copy of Total Rewards, FY17 PSP Brochure, Bates numbered NIKE_00019411-12, also produced as Exhibit 598 in the Deposition of Shelli White.

75. Attached hereto as **Exhibit 73** is a true and correct copy of Total Rewards, FY18 PSP Brochure, Bates numbered NIKE_00013312-13, also produced as Exhibit 601 in the Deposition of Shelli White.

76. Attached hereto as **Exhibit 74** is a true and correct copy of Performance Rewards: PSP Award FAQs for Managers, Bates numbered NIKE_00030260-61, also produced as Exhibit 613 in the Deposition of Shelli White.

77. Attached hereto as **Exhibit 75** is a true and correct copy of A Matter of Respect – Nike's Anti-Harassment & Anti-Discrimination Policy, Bates numbered NIKE_00001632-33.

78. Attached hereto as **Exhibit 76** is a true and correct copy of CFE Rating Collection, Bates numbered NIKE_00003242.

79. Attached hereto as **Exhibit 77** is a true and correct copy of HR Readiness Internal Website, Bates numbered NIKE_00013725.

80. Attached hereto as **Exhibit 78** is a true and correct copy of Speak Up Portal, Bates numbered NIKE_00013892.

81. Attached hereto as **Exhibit 79** is a true and correct copy of Report A Concern, Bates numbered NIKE_00013896-97.

82. Attached hereto as **Exhibit 80** is a true and correct copy of Nike, Inc.'s Code of Conduct and Speak Up Portal, Bates numbered NIKE_00013940.

83. Attached hereto as **Exhibit 81** is a true and correct copy of A Message From Mark, Bates numbered NIKE_00013941.

84. Attached hereto as **Exhibit 82** is a true and correct copy of Speak Up Portal, HR Preview, Bates numbered NIKE_00013946-53.

85. Attached hereto as **Exhibit 83** is a true and correct copy of Annual Pay Review, Leader Toolkit, April 2019, Bates numbered NIKE_00014002-08.

86. Attached hereto as **Exhibit 84** is a true and correct copy of Employee Relations Playbook, Bates numbered NIKE_00015661-85.

87. Attached hereto as **Exhibit 85** is a true and correct copy of A Matter of Respect – Nike's Anti-Harassment and Anti-Discrimination Policy Internal Website, Bates numbered NIKE_00024288-91.

88. Attached hereto as **Exhibit 86** is a true and correct copy of Inside the Lines 2019 Acknowledgement, Bates numbered NIKE_00026441.

89. Attached hereto as **Exhibit 87** is a true and correct copy of Performance Rewards: CFE Collection FAQs for Managers, Bates numbered NIKE_00026613-16.

90. Attached hereto as **Exhibit 88** is a true and correct copy of Total Rewards, Talk with *me*: Merit Pay, Bates numbered NIKE_00030704-06.

91. Attached hereto as **Exhibit 89** is a true and correct copy of EEOC and Oregon Bureau of Labor & Industries Charge of Discrimination, Sara Johnston, Bates numbered PLF_000923-35.

92. Attached hereto as **Exhibit 90** is a true and correct copy of November 23, 2020 Transmitting Letter, Cahill et al. v. Nike, Inc., Case No. 3:18-cv-01477-JR – Production of Data Files with Employee Names and ID Numbers, from Felicia Davis to Plaintiffs' Counsel.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746 and the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 25th day of March 2022, at Los Angeles, California.

/s/ Felicia A. Davis

Felicia A. Davis